

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

---

NATIONAL WILDLIFE REFUGE ASSOCIATION,  
et al.,

Plaintiffs,

v.

Case No. 3:21-cv-00096-wmc  
(lead)

RURAL UTILITIES SERVICE, et al.,

Federal Defendants,

AMERICAN TRANSMISSION COMPANY, LLC,  
et al.,

Intervenor-Defendants.

---

NATIONAL WILDLIFE REFUGE ASSOCIATION,  
et al.,

Plaintiffs,

v.

Case No. 3:21-cv-00306-wmc  
(consol.)

U.S. ARMY CORPS OF ENGINEERS, et al.,

Federal Defendants,

AMERICAN TRANSMISSION COMPANY, LLC,  
et al.,

Intervenor-Defendants.

---

**NOTICE OF WITHDRAWAL OF U.S. FISH AND WILDLIFE SERVICE'S  
COMPATIBILITY DETERMINATION AND RIGHT-OF-WAY PERMIT**

---

Litigants have a duty “to bring to the federal tribunal’s attention, without delay, facts that may raise a question of mootness,” *Arizonans for Off. Eng. v. Arizona*, 520 U.S. 43, 68 (1997) (cleaned up). Accordingly, Federal Defendant U.S. Fish and Wildlife Service hereby provides notice that it has withdrawn its December 2019 Compatibility Determination and September 2020 Right-of-Way Permit, as described in Exhibit A to this Notice. The Compatibility Determination

and Right-of-Way Permit are the agency actions challenged in Count Two of the Complaint in Case No. 3:21-cv-00096-wmc (ECF No. 1).

Dated: August 27, 2021

Respectfully submitted,

JEAN E. WILLIAMS  
Deputy Assistant Attorney General  
U.S. Department of Justice  
Environment & Natural Resources Division

/s/ Leslie Coleman  
LESLIE COLEMAN (NY Atty. Reg. No. 5252788)  
ANDREW A. SMITH (NM Bar No. 8341)  
U.S. Department of Justice  
Environment & Natural Resources Division  
999 18<sup>th</sup> St.  
South Terrace, Suite 370  
Denver, CO 80202  
leslie.coleman@usdoj.gov | (303) 844-1363

*Attorneys for Federal Defendants in Case No.  
3:21-cv-00096-wmc*

BENJAMIN CARLISLE (NY Bar No. 4734612)  
JACOB D. ECKER (TX Bar No. 24097643)  
DEVON LEA FLANAGAN (DC Bar No. 1022195)  
MIRANDA M. JENSEN (DC Bar No. 1617421)  
U.S. Department of Justice  
Environment & Natural Resources Division  
P.O. Box 7611  
Ben Franklin Station  
Washington, DC 20044  
miranda.jensen@usdoj.gov | (202) 598-3071  
benjamin.carlisle@usdoj.gov | (202) 514-9771  
jacob.ecker@usdoj.gov | (202) 305-0466  
devon.flanagan@usdoj.gov | (202) 305-0201

*Attorneys for Federal Defendants in Case No. 3:21-  
cv-00306-wmc*